

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

FRANK DOMBOS #63001,)	
)	
Plaintiff,)	
)	CIVIL ACTION
v.)	NO. 13-CV-00696
)	
DR. OMAR IZQUIERDO; CORIZON)	
MEDICAL SERVICES ET AL. (MR. DON)	
DOUGLAS THEIR REPRESENTATIVE AT)	
L.C.C.F. PRISON – MEDICAL)	
ADMINISTER),)	
)	
Defendants.)	

NOTICE OF REMOVAL

COME NOW the Defendants Dr. Omar Izquierdo, Corizon, Inc. (misnamed in the Complaint as Corizon Medical Services) and Don Douglas, through counsel, and file this notice of Removal of this Action from the Lea County 5th Judicial District Court of the State of New Mexico, to the United States District Court for the District of New Mexico.

1. On or about May 20, 2013, Plaintiff Frank Dombos (“Plaintiff”) filed suit in the District Court for Lea County, New Mexico against Defendants Dr. Omar Izquierdo, Corizon, Inc. (“Corizon”) and Don Douglas. Defendant Corizon received the Complaint by facsimile on June 28, 2013 from the New Mexico Lea County Correctional Facility. The matter is currently pending in that court under case number D-506-CV-2013-00429. No returns of service appear on the docket of the underlying state court case.
2. The time in which Defendants must respond to the Complaint in state court has not yet expired, and Defendants have not yet filed a responsive pleading.

3. Plaintiff has filed this state court action, according to the Complaint, as a result of an alleged refusal on the part the Defendants to provide Plaintiff with timely medical care, which he contends amounts to deliberate indifference to serious medical needs.
4. The Plaintiff contends in his Complaint that the Defendants' actions or inactions violate "[m]y 8th (Eighth) Amendment Rights, under the New Mexico Constitution, and U.S. Constitution." He contends that the acts of Defendants constituted "deliberate indifference," and he cites various authorities from the United States Supreme Court relating to the Eighth Amendment constitutional deliberate indifference standard.
5. This Court has jurisdiction over this claim under 28 U.S.C. §1331, as Plaintiff raises a question of Federal law. As such, removal is appropriate under 28 U.S.C. §1441(a).
6. Written notice hereof is being provided to Plaintiff and a copy of the Notice of Removal is being filed with the Clerk of the District Court for Lea County pursuant to 28 U.S.C. §1446(d).
7. True and legible copies of all process, pleadings, papers, and orders served upon Defendant in the State Action are attached as **Exhibit A**, in accordance with 28 U.S.C. 1446(a) and Local Rule 81.1.
8. A copy of Defendants' Notice of Filing of Removal, filed with the Fifth Judicial District Court, County of Lea, is hereby attached as **Exhibit B**.

WHEREFORE, Defendants Dr. Omar Izquierdo, Corizon, Inc. and Don Douglas respectfully request that this action be removed from the District Court for Lea County, New Mexico to the United States District Court for the District of New Mexico pursuant to 28 U.S.C. 1441, that undersigned counsel be entered on behalf of Defendant, and that no further proceedings be had in the State action.

SIMONE, ROBERTS & WEISS, P.A.

Electronically Filed

/s/ Norman Weiss, Attorney at Law

NORMAN F. WEISS

Attorneys for Defendants Dr. Omar Izquierdo,

Corizon, Inc. and Don Douglas

11200 Lomas Blvd., NE, Suite 210

Albuquerque, NM 87112

Tel. (505) 298-9400

CERTIFICATE OF SERVICE

I hereby certify that on this 29th day of July, 2013,
I filed the foregoing electronically through the
CM/ECF system, which caused all parties of record
to be served by electronic means, as more fully
reflected on the Notice of Electronic Filing.

I further certify that a true and correct copy of the
foregoing was mailed to the non-ECF registered
interested parties as follows:

Frank Dombos, #63001
Penitentiary of New Mexico
P.O. Box 1059
Santa Fe, NM 87504

Electronically Filed

/s/ Norman Weiss, Attorney at Law

Norman F. Weiss

